

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: CertainTeed Fiber Cement Siding Litigation :  
----- : MDL NO. 11-2270  
This Document Relates to: All Actions :  
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**CLASS COUNSEL'S MOTION TO COMPEL DEPOSITIONS OF THE BANDAS  
OBJECTORS AND RULE TO SHOW CAUSE WHY THE BANDAS OBJECTORS  
SHOULD NOT BE SANCTIONED**

1. On October 13, 2013, this Court granted Plaintiffs' Unopposed Motion For Preliminary Approval of the Class Action Settlement.
2. On November 1, 2013, Plaintiffs filed a corrected settlement agreement (the "Settlement").
3. On December 31, 2013, the objectors' counsel filed the Objection of Amirali Jabrani, Janet Jabrani, and Real Homes, Inc. ("Bandas Objectors").
4. The objection lodged by the Bandas Objectors is frivolous and warrants the imposition of sanctions.
5. On January 15, 2014, Class Counsel began its efforts to depose the Bandas Objectors by sending deposition notices to their counsel of record, Christopher M. Arfaa, Esq.,.
6. Shortly thereafter on January 17, 2014, Mr. Arfaa advised that he is serving as local counsel for Christopher A. Bandas, Esq., that the depositions must be subpoenaed as the Bandas Objectors are non-parties to these proceedings, and that all depositions must be coordinated through Mr. Bandas.
7. Shortly thereafter on January 21, 2014, Class Counsel served Mr. Bandas with Notices of Issuance of Subpoenas to Amirai Jabrani, Janet Jabrani, and Real Homes, Inc.

8. In conjunction with these notices, Class Counsel has disseminated repeated email communications to Messrs. Bandas and Arfaa trying to coordinate the scheduling of these proposed depositions.

9. Mr. Bandas has failed to respond to any of these communications.

10. While Mr. Arfaa did have a telephone conversation with Charles E. Schaffer, Esq., counsel for the Plaintiffs, on the evening of February 22nd, no progress was made toward the scheduling of depositions of the Bandas Objectors.

11. In addition, Class Counsel's process servers have made repeated unsuccessful attempts to serve the Bandas Objectors with subpoenas commanding their appearance at depositions.

12. Indeed, Class Counsels' process servers have observed that the Bandas Objectors are ducking service since they are at home but are merely refusing to answer the door or leave the premises.

13. Objectors' counsels' failure to produce the Bandas Objectors has severely prejudiced Plaintiffs. Counsels' conduct as well as the Bandas Objectors' efforts to evade service of the subpoenas warrants the imposition of sanctions.

14. Plaintiffs are not seeking to move the Final Fairness Hearing scheduled for February 19, 2014, and will endeavor to take the depositions prior to that hearing, and if need be, submit a supplemental brief following the hearing.

WHEREFORE, Plaintiffs respectfully requests that this Court order objectors' counsel to produce the objectors to be deposed and that a Rule to Show Cause Why the Bandas Objectors Should Not be Sanctioned should issue.

Respectfully submitted,

Date: January 24, 2013

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2014, I caused a copy of the foregoing document to be served upon all counsel of record via ECF Notice of Electronic Filing.

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